

REMARKS

Claims 1-11 and 39-48 are rejected under 35 USC 103(a) as being unpatentable over Tabata, U.S. Patent 6,537,324 in view of Maeda, Japanese Patent Publication No. 2000-118085. This rejection is respectfully traversed.

Claim 1 recites “a transmitting means for transmitting the image data to a specific destination if it fails to obtain the file from the server computer based on the location information.” The Examiner asserts that this feature is taught by Maeda. The Examiner specifically states, at pg. 8 of the Action, that Maeda discloses that when the data cannot be retrieved from the specific URL location, an alternative location is used to retrieve the file. Applicants submit that even if Maeda teaches that which the Examiner asserts, this is not the claimed invention.

Claim 1 recites that the image data, which was obtained by the image reader by reading the document image, is transmitted to a specific destination if the file cannot be obtained from the server computer based on the location information. This is not the same as obtaining a file from an alternative location. Retrieval (obtaining) is the exact opposite of transmitting. The Examiner cannot maintain that Maeda teaches transmitting image data by pointing to disclosure that discusses retrieving a file. These are just not the same thing. Thus, for the reasons set forth in the previous response, the features of claim 1 are not taught or suggested by Tabata, Maeda or a combination thereof.

Claim 6 is a method claim which corresponds to claim 1, and is therefore allowable for the reasons set forth above. Claims 7-11 are allowable at least due to their dependency from claim 6. Claim 39 is allowable for the same reasons claim 1 is allowable. The remaining claims are allowable at least due to their respective dependencies. Applicants request that this rejection be withdrawn.

Claims 12-16 are rejected under 35 USC 103(a) as being unpatentable over Tabata in view of Hamano, Japanese Patent Publication No. 10-301954. This rejection is respectfully traversed.

The Examiner asserts that Tabata teaches the claimed “notifying means for notifying the user of the fact of the disagreement if it is judged by the judging means that the second image data does not agree with the first image data.” The Examiner cites to col. 20, lines 52-55, and asserts that Tabata discloses that the file server sends a message notifying the user that the versions do not match. However, the Examiner admits that Tabata fails to disclose the feature of “a judging means for judging whether the second image data agrees with the first image data.” Applicants wonder how Tabata can teach notifying the user that the versions do not match if it does not teach actually judging whether the second image data agrees with the first image data.

Further, applicants submit that the Examiner is mischaracterizing what is taught by Tabata at col. 20, lines 52-55. Tabata is actually referring to comparing the received version of the hypertext with the retrieved version of the hypertext (see col. 20, lines 42 and 43). In any case, Tabata is not comparing image data, but rather hypertext versions. Thus, Tabata does not teach that which the Examiner asserts.

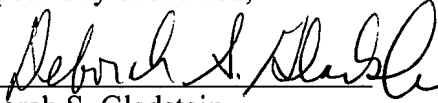
Hamano, on the other hand, is comparing versions of HTML files to determine if there have been any changes to a web page. This does not relate in any way to comparing a version of a hypertext received with a version retrieved, and certainly would not have led one of ordinary skill in the art to modify Tabata in view of Hamano to create the claimed invention even if the features of claim 12 were taught by a combination of Tabata and Hamano.

The remaining claims are allowable in view of the foregoing arguments. Applicants request that this rejection be withdrawn.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 325772028000.

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